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Attorneys for Defendant Educational
Credit Management Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAHUL MANCHANDA,

Plaintiff,

v.

EDUCATIONAL CREDIT MANAGEMENT
CORPORATION,

Defendant.

CIVIL ACTION NO. 1:19-cv-05121 (WHP)

Civil Action

**DECLARATION OF KENNETH L. BAUM,
ESQ., IN SUPPORT OF MOTION OF
EDUCATIONAL CREDIT
MANAGEMENT CORPORATION FOR
SUMMARY JUDGMENT PURSUANT TO
FED. R. CIV. P. 56**

KENNETH L. BAUM, ESQ., of full age, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am an attorney-at-law duly admitted to practice before this Court and a member of Law Offices of Kenneth L. Baum LLC, attorneys for Defendant Educational Credit Management Corporation (“ECMC”). I am familiar with the facts and circumstances set forth herein and am authorized to make this Declaration in support of ECMC’s motion for summary judgment pursuant to Fed. R. Civ. P. 56.

2. Attached as Exhibit A is a true copy of the transcript of the deposition of Mithun Sarang conducted on March 16, 2021 (which is erroneously labeled as having been conducted on March 20, 2021).

I hereby declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Kenneth L. Baum
KENNETH L. BAUM

DATED: May 25, 2021

EXHIBIT A

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March 20, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANCHANDA

Plaintiff,

-against-

Index No.

1:19-cv-05121

EDUCATIONAL CREDIT MANAGEMENT CORPORATION,

Defendant.

-----X

Date: March 20, 2021

Time: 3:13 p.m.

DEPOSITION of MITHUN SARANG, a Witness
called on behalf of the Defendant, taken by
the Plaintiff, recorded on the above mentioned
date and time, requested by the Manchanda Law
Office, PLLC, 30 Wall Street, New York, New
York.

Digitally recorded proceeding transcribed by:
Kathleen Brosnan on behalf of Lexitas Court
Reporting

1 A P P E A R A N C E S:

2

3 MANCHANDA LAW OFFICE, PLLC

Attorney for Plaintiff

4

30 Wall Street, Suite 8207

New York, New York 10005

5

BY: RAHUL MANCHANDA, ESQ.

JOHN FAZIO, ESQ, of Counsel

6

OLGA TREITIAKOVA, Notary Public

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8

LAW OFFICE OF KENNETH L. BAUM, LLC

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Attorney for Defendant

167 Main Street

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Hackensack, New Jersey 07601

BY: KENNETH L. BAUM, ESQ.

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1 MS. TRETIAKOVA: So I'm a
2 Notary Public, Officer Olga
3 Tretiakova. My business address is
4 20 West 64th Street, New York, New
5 York 10023. Pursuant to FRCP30.
6 Today is March 16th, and right now is
7 3:13 p.m.. We are at 30 Wall Street,
8 Suite 8207, New York, New York 10005.
9 The deponent, Mithun Sarang is an
10 employee of Education Credit
11 Management Corporation. Please raise
12 your right hand. Do you solemnly
13 swear that the testimony you are
14 about to give is the truth and
15 nothing but the truth.

16 THE WITNESS: Correct.

17 MS. TRETIAKOVA: Today,
18 present are attorneys for Plaintiff,
19 Rahul Manchanda, Defendant, Mithun
20 Sarang, employee of ECMC, and the
21 attorney for the Defendant, Kenneth
22 Baum, and Jeff, I'm sorry, I didn't
23 catch the name.

24 MR. FAZIO: John Fazio, of
25 Counsel to Manchanda Law Office.

1 MS. TRETIAKOVA: Okay. So we
2 can begin now.

3 MR. BAUM: I just want to
4 clarify, this is being done, Mr.
5 Sarang is a former employee of
6 ECMC --

7 THE WITNESS: Yeah --

8 MR. BAUM: But under the
9 Judge's order, we're producing him
10 for ECMC.

11 MR. MANCHANDA: One speaker at
12 a time, please, Ken.

13 MR. BAUM: Yeah. So again,
14 just to clarify for the record, Mr.
15 Sarang is a former employee of ECMC,
16 but as you know, we are producing him
17 through ECMC rather than having you
18 have to subpoena him.

19 MR. MANCHANDA: So we want to
20 clarify, you do not represent Mr.
21 Sarang.

22 MR. BAUM: No, I'm
23 representing him, but the whole idea
24 was to produce him through ECMC,
25 rather than you having to subpoena

1 him. But he just to clarify, he's
2 not a current employee of ECMC.

3 MR. MANCHANDA: So you will be
4 raising any and all issues regarding
5 his representation as his counsel.

6 MR. BAUM: For the purpose of
7 this deposition, yes.

8 MR. MANCHANDA: Okay. That
9 makes a big difference because if we
10 have an issue and I would like him to
11 answer a question, if you're not his
12 counsel, you can't raise that
13 objection.

14 MR. BAUM: Right. Okay, go
15 ahead.

16 MR. MANCHANDA: So, you are
17 his counsel.

18 MR. BAUM: Yes, for today,
19 yes.

20 MR. MANCHANDA: All right. We
21 will begin. Thank you all for coming
22 today.

23 EXAMINATION BY

24 MR. MANCHANDA:

25 Q. This is directed to Mithun

1 M. SARANG
2 Sarang; can you please state your full
3 name, address, e-mail address and
4 telephone number for the record, please?

5 MR. BAUM: Before he speaks,
6 he's not going to give his home
7 address as per the court's order,
8 it's going to be care of ECMC, okay?

9 MR. FAZIO: That's fine.

10 MR. BAUM: Go ahead, sorry.

11 A. All right. So my full name is
12 Mithun Sarang, M-I-T-H-U-N, last name is,
13 S-A-R-A-N-G. My e-mail address is,
14 T-U-N-E-S-A-R-A-N-G, @Gmail.com. What
15 was the other additional information you
16 were requesting?

17 Q. Your telephone number, please.

18 A. It is 916-617-7773.

19 Q. Thank you.

20 Can you please state your
21 educational level, major field of study,
22 and any and all degrees obtained, as well
23 as the years of attendance for the
24 record, please?

25 A. I am just a high school

1 M. SARANG
2 diploma, I have no college experience,
3 and I have been in collections for eleven
4 years.

5 Q. Where did you work before
6 working for ECMC?

7 A. The -- Superlative RM.

8 Q. Superlative RM?

9 A. Correct.

10 Q. What is that?

11 A. It's a collection agency.

12 Q. And how many years were you
13 there for?

14 A. Seven.

15 Q. Seven years?

16 A. Correct.

17 Q. And how long did you work for
18 ECMC?

19 A. Four.

20 Q. Four years, okay.

21 And were you terminated from
22 ECMC or did you leave voluntarily?

23 A. No, we were all laid off.
24 They relocated the building to Minnesota,
25 we were all working in California.

1 M. SARANG

2 Q. Okay.

3 Were you trained for your job
4 at ECMC?

5 A. Absolutely, very, very, very
6 thoroughly trained.

7 Q. How long was the training for?

8 A. Three months.

9 Q. Three months.

10 Was there a training manual?

11 A. There was a training manual,
12 there is a training supervisor, there is
13 also exams that you needed to pass in
14 order to actually work at that time.

15 Q. How many exams?

16 A. There were two exams.

17 Q. And how many accounts did you
18 manage, approximately?

19 A. I don't have a specific
20 approximate answer. There's thousands
21 and thousands of customers that we spoke
22 to throughout the four years that I was
23 employed there.

24 Q. Thousands and thousands?

25 A. Correct.

1 M. SARANG

2 Q. And did you have a computer in
3 front of you while you would call these
4 people?

5 A. Absolutely.

6 Q. Every time?

7 A. Every time.

8 Q. Did you ever give any of them
9 your personal cell phone number?

10 A. Never.

11 Q. Were all of those calls
12 recorded at ECMC?

13 A. Absolutely.

14 Q. And that computer that you
15 had, were there different tiers of, I
16 guess, clearance, or did everybody have
17 the same data?

18 A. No, there were tiers of
19 clearance, supervisors had a higher
20 clearance than I did.

21 Q. Okay.

22 Did you have access to address
23 information at the time --

24 A. Correct.

25 Q. -- when you were speaking

1 M. SARANG

2 to --

3 A. Yes.

4 Q. -- whenever you were speaking
5 to an individual? Please wait for me to
6 ask the question.

7 Did you always have the
8 address information while you were
9 speaking to one of your customers --

10 A. Yes.

11 Q. You did.

12 And that address information,
13 did it have linear information, in other
14 words, previous, former and current
15 addresses or just one address?

16 A. One address.

17 Q. Did you have access and the
18 ability to look at previous addresses
19 online?

20 A. Did I have access to look at
21 previous addresses online?

22 Q. Yes.

23 A. No.

24 Q. So what you're say is, while
25 you would speak to the individual, you

1 M. SARANG
2 would only have one address facing you at
3 the time?

4 A. Correct.

5 Q. And you did not have the
6 ability to toggle and see previous
7 addresses, is that what you're, remember,
8 you're under oath?

9 A. I know that I'm under oath.
10 I'm just saying that when I'm looking at
11 the screen, there is a name and there is
12 an address, and then I have to verify his
13 name and his address. There is not
14 multiple addresses under his other
15 address. So there are not previous
16 addresses that are listed there. I have
17 to say, her, I'm looking to speak with
18 Joel Smith, do you resides at 123 Apple
19 Street --

20 Q. Please keep your answers to my
21 -- so, did you have the ability to
22 toggle --

23 A. No.

24 Q. -- you said you were trained
25 for three months, and the ability to go

1 M. SARANG
2 and check different addresses or
3 different previous phone numbers when you
4 were looking at the client?

5 A. No.

6 Q. No, okay.

7 So, you're saying that while
8 you were speaking to, by the way, when
9 you were updating because you I believe
10 asked questions about current addresses,
11 and you were correcting addresses on
12 tape, did you have the ability to amend
13 or change address information while you
14 were talking to the client?

15 A. In the event that we had the
16 incorrect address and the customer
17 provided us with the current address,
18 then yes, we had to edit it, modify it to
19 the correct address.

20 Q. So you had the power and the
21 ability to change address information?

22 A. Correct, yes.

23 Q. You had the power to change
24 and amend address, does that also apply
25 to telephone information?

1 M. SARANG

2 A. Correct, any --

3 Q. Does it also, I'm sorry.

4 Does that also apply to e-mail
5 information?

6 A. Yes.

7 Q. So you had the power to amend,
8 and to change and to correct address,
9 telephone and e-mail information of the
10 individual you were speaking with at the
11 time?

12 A. Correct.

13 Q. But you didn't have the
14 ability to see previous entries for that
15 information?

16 A. For the third time, correct, I
17 did not have the ability to view previous
18 addresses or toggle. I only had the
19 ability to modify in the event that they
20 provided us with current updated
21 information for their demographics.

22 Q. When you were speaking to
23 clients, did you have anybody else
24 listening in on your calls or were you
25 always alone?

1 M. SARANG

2 A. No, they were always
3 monitoring the calls. There is an entire
4 department that monitored calls. They
5 were very compliant and under federal
6 regulations.

7 Q. As they were happening or
8 after the fact?

9 A. As they were happening and
10 after the fact.

11 Q. So as they were happening, how
12 many individuals on average did you have
13 listening in to your phone calls?

14 A. There was a department of, I
15 believe eight to ten individuals that
16 were constantly monitoring live calls and
17 calls after they already transpired.

18 Q. I didn't ask you after, I
19 asked while the calls were taking place.

20 A. Eight to ten.

21 Q. Eight to ten while, okay, and
22 also after the fact, okay. Thank you for
23 that answer.

24 Did the other individuals, to
25 your knowledge, that were listening in or

1 M. SARANG
2 after the fact, did they have the ability
3 to also see previous addresses, or
4 e-mails or telephone number online, did
5 they have different clearance levels?

6 A. I don't know their specific
7 procedures or their protocol. I don't
8 know what their specific levels are. I
9 only know what my levels are.

10 Q. In terms of level, which you
11 brought up, where would you rank yourself
12 between one and ten, ten being the
13 highest level in the company, one being
14 the lowest level, where would you place
15 yourself, approximately, in terms of
16 clearance and knowledge level?

17 A. A four.

18 Q. Four.

19 And where would you place the
20 eight to ten individuals listening in to
21 your calls?

22 A. A seven.

23 Q. All seven?

24 A. You indicated between a scale,
25 right?

1 M. SARANG

2 Q. Who would you consider to the
3 CEO, the owner or the boss of the ECMC
4 corporation?

5 A. Who would I consider to the --

6 Q. At the time that you were
7 working there?

8 A. Well, I had a supervisor, and
9 then he had a supervisor, and then he had
10 a supervisor as well. So I --

11 Q. I said of the company itself.

12 A. Of the company itself.

13 Q. A full ten.

14 A. Am I giving names? I really
15 don't feel comfortable giving his name --

16 Q. It's a question about a CEO,
17 it's not anything security wise. I don't
18 see your attorney raising the issue.
19 We're not asking --

20 MR. BAUM: Are you asking what
21 the name of the CEO was at the time
22 he worked there?

23 MR. MANCHANDA: Yes.

24 MR. BAUM: If you know it,
25 answer.

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M. SARANG

A. Okay. Len Hyde.

Q. I'm sorry?

A. His name was Len Hyde.

Q. Len Hyde?

A. Correct.

Q. Can you spell that, please?

A. L-E-N, last name, H-Y-D-E.

Q. And he was the CEO?

A. I believe he was our CEO for
our specific, our specific location for
California.

Q. Are you familiar with
Corinthian Colleges?

A. I am not.

Q. Are you familiar with ECMC's
role with the Corinthian College?

A. I am not.

Q. Are you familiar that there
are, have been allegations that ECMC is
engaged in non-profit activity with
Corinthian Colleges?

A. I have no clue about that, in
any way, shape or form.

Q. Is it your opinion that ECMC

1 M. SARANG

2 is a non-profit organization?

3 A. Say it again.

4 Q. Is it your opinion that ECMC
5 is a non-profit organization?

6 A. Yes, in my opinion, correct.

7 Q. Your previous employer, what
8 the name of it again?

9 A. Superlative RM.

10 Q. Was that a for-profit
11 collection agency or a non-profit
12 collection agency?

13 A. It was a for-profit collection
14 agency.

15 Q. What were the predominant,
16 what the nature of the debt that you
17 would collect at your previous
18 employment?

19 A. I mean, I don't really see the
20 relevance in reference to the question --

21 Q. Let me decide what the
22 relevance is. You have to answer the
23 question.

24 MR. BAUM: Restate the
25 question.

1 M. SARANG

2 A. It's a collection agency. So
3 ultimately, we collect on everything from
4 pay day loans, to credit cards, to, you
5 know, jewelry shop, whatever that
6 actually falls under collections.

7 Q. Clearly, not student loan
8 debt?

9 A. Correct, not student loan
10 debt, correct.

11 Q. Which has always protections
12 under the HEA Higher Education Act and,
13 you know, that's protected and sort of
14 takes, you know, would take,
15 theoretically, ECMC out of the purview of
16 being a debt collector under the Fair
17 Debt Collection Practices Act?

18 A. Correct, but the Fair Debt
19 Collection Practices Act doesn't cover in
20 reference --

21 Q. I'm sorry, he left the
22 meeting, where did he go, okay.

23 So in other words, you're
24 training, your training prior to your
25 joining ECMC was for the purposes of

1 M. SARANG

2 private debt collection of pay day loans,
3 what other type of debt?

4 A. Credit cards.

5 Q. And private debt, which would
6 be covered under the Fair Debt Collection
7 Practices Act?

8 A. Correct.

9 Q. Okay.

10 Were you trained by ECMC with
11 the Fair Debt Collection Practices Act,
12 were you trained in that?

13 MR. BAUM: I'm going to
14 object, you can answer if you could
15 understand the question.

16 Q. Did ECMC in the training
17 sessions that you already admitted to,
18 tell you what the Fair Debt Collection
19 Practices Act was?

20 A. The Fair Debt Collection
21 Practices Act aren't regulated under
22 student loans, so they had no training
23 reference to FDCPA.

24 Q. So you made a smooth
25 transition from a for-private debt

1 M. SARANG
2 collection company to a student loan debt
3 collection company?
4 A. Absolutely, the transition due
5 to the fact that I had to pass the test
6 in order to make sure that I cleared the
7 transitions. ECMC is one of the most
8 complaint --
9 Q. You've answer the question.
10 A. -- companies out there --
11 Q. You can stop now. I'm done
12 with the question. You've answered my
13 question, which means that you weren't
14 taught about the difference, which is
15 what I wanted to know.
16 Mr. Sarang, are you a U.S.
17 citizen, green card holder or some
18 immigration status?
19 MR. BAUM: I'm going to object
20 as to relevance.
21 MR. MANCHANDA: It's relevant
22 in the sense that we'd like to know
23 if ECMC took advantage of his
24 immigration status to force him to do
25 things that were illegal.

1 M. SARANG

2 THE WITNESS: Why would you
3 make an assumption that I'm an
4 immigrant?

5 MR. BAUM: I'm going to object
6 as to relevance, it has absolutely no
7 relevance whatsoever.

8 MR. MANCHANDA: It is
9 absolutely relevance.

10 MR. BAUM: I disagree.

11 THE WITNESS: I disagree as
12 well. It's absolutely irrelevant.

13 MR. MANCHANDA: I'll tell you
14 why it's relevant, we feel that ECMC
15 exploited possibly Mr. Sarang --

16 THE WITNESS: Not at all in
17 any way, shape or form.

18 MR. MANCHANDA: -- and his
19 position. And if he has no choice in
20 the matter because of his immigration
21 status, then he would be more likely
22 than not to commit ethical or legal
23 violations.

24 MR. BAUM: I'm going to object
25 that that's a complete --

1 M. SARANG

2 MR. MANCHANDA: Okay, we'll
3 move on.

4 MR. BAUM: -- not even
5 speculation. It's a fishing
6 expedition and I'm objecting.

7 MR. MANCHANDA: Fine, we'll
8 move on.

9 THE WITNESS: I'm a citizen,
10 hey, I'm a citizen.

11 MR. BAUM: Mithun, it's all
12 right.

13 MR. MANCHANDA: He will not
14 answer the question.

15 THE WITNESS: I just answered
16 the question, by the way, I'm a
17 citizen.

18 Q. I didn't hear what you said,
19 I'm sorry?

20 A. I am a citizen of the United
21 States of America.

22 Q. Were you born --

23 A. I was born here in Sacramento,
24 California.

25 Q. Thank you for answering the

1 M. SARANG

2 question.

3 A. Absolutely.

4 Q. And if you could please hold
5 back on the hostility, that would be
6 great.

7 MR. BAUM: I'm going to
8 object. He's answering your
9 questions.

10 MR. MANCHANDA: He's
11 approaching the camera in a
12 threatening manner, which I don't
13 appreciate.

14 MR. BAUM: Oh, move on.

15 MR. MANCHANDA: If it was in
16 person, it would be a criminal act.
17 So let's refrain from that kind of
18 behavior.

19 MR. BAUM: Are you going to
20 ask a question?

21 MR. MANCHANDA: Yes, as long
22 as we can behave ourselves. I said
23 use no threatening mannerisms.

24 MR. BAUM: Who is threatening
25 you --

1 M. SARANG

2 THE WITNESS: I'm over a
3 phone --

4 MR. MANCHANDA: When you
5 approach the camera in your face --

6 THE WITNESS: You're
7 approaching the camera right now.

8 MR. MANCHANDA: I'm
9 demonstrating what you just did.

10 THE WITNESS: So you're
11 absolutely in the same offense right
12 now that you're indicating --

13 MR. MANCHANDA: Moving on --

14 MR. BAUM: Let's move on.

15 Q. Mr. Sarang, how old are you
16 and when is your date of birth?

17 A. My age, I'm thirty-four, my
18 date of birth is March 24th, '86.

19 Q. 1986?

20 A. Correct.

21 Q. Again, how did you come to be
22 employed by ECMC and when did you
23 commence?

24 A. It was -- through a friend,
25 and I don't have the specific date.

1 M. SARANG

2 You're speaking about something that
3 happened about four or five years ago.

4 Q. Do you have an approximate
5 date of your commencement?

6 A. No.

7 Q. How about a year?

8 A. How about a year? Four years
9 ago, so what, what year are we in now?
10 '21, so, 2017.

11 Q. Were you ever promoted at
12 ECMC?

13 A. No.

14 Q. In four years, you were never
15 promoted in ECMC?

16 A. No.

17 Q. What was your job title at
18 ECMC?

19 A. I was an account
20 representative.

21 Q. And what was the same job
22 description for the entire four years?

23 A. Correct.

24 Q. Did your salary change at all
25 while you were at ECMC?

1 M. SARANG

2 A. No.

3 Q. Were you on a salary or on a
4 commission basis at ECMC?

5 A. Salary and commission.

6 Q. Salary and commission?

7 A. Correct.

8 Q. Did you have bonuses at ECMC?

9 A. Yeah, that's correct. It's
10 commission and bonuses are the same thing
11 in my eyes, so.

12 Q. How would you define a
13 commission at ECMC?

14 A. There was a tier level in the
15 amount of however many student loans that
16 you collected, accumulative of the amount
17 in the event that surpassed a certain
18 tier, you were given a specific
19 percentile of that amount.

20 Q. Were they all accounts that
21 were in default or those were regular
22 accounts?

23 A. Correct, they were all
24 accounts in default. I would see any
25 other account unless in the event that it

1 M. SARANG

2 actually defaulted.

3 Q. So you only worked with
4 defaulted accounts?

5 A. Correct, defaulted student
6 loans.

7 Q. And every single one of them,
8 you were sure had notice of the default?

9 A. I'm sorry, say that again.

10 Q. Every single person that you
11 dealt with, you were certain that they
12 had actual notice of a default?

13 A. Certain that they had actual
14 notice of a default? It's our job to
15 provide them with the default as soon as
16 the account gets to the office.

17 Q. That's not answering my
18 question.

19 My question to you is this,
20 and I'll rephrase it; were you certain
21 that every single individual that you
22 dealt with had been duly served with
23 notice of default on their student loan?

24 A. Yes.

25 Q. So you're saying under oath

1 M. SARANG
2 that you were certain that every single
3 person that you dealt with was duly
4 served, or maybe they weren't served with
5 a notice of default?

6 MR. BAUM: Objection to form.

7 MR. MANCHANDA: Okay.

8 Q. So you're saying under oath
9 here, under penalty of perjury, seven
10 years, that you were sure that every
11 single person that you dealt with was
12 served with notice that they defaulted on
13 their student loan, be careful with your
14 answer, sir?

15 MR. BAUM: Objection. Stop
16 badgering the witness and let him
17 answer the question.

18 MR. MANCHANDA: Okay. He gave
19 different answers, I want to clarify
20 for his benefit, and mine and yours.

21 A. Okay. So, as our job, before
22 the account even comes to my desk, they
23 send a letter to the student letting them
24 know that, hey, you're currently in
25 default. In the event that that student

1 M. SARANG
2 opens that documentation or sees it,
3 that's beyond me. But we have to provide
4 them that documentation. So for you to
5 indicate that am I sure that they
6 received it to every specific individual,
7 I can't honestly say yeah, that I'm sure
8 that they opened it, but we are positive
9 that we sent the documentation out.

10 Q. Okay, good. That's what I
11 wanted to know.

12 So the answer is no, you are
13 not sure that every single individual
14 that you spoke with had notice of default
15 on their student loan. Thank you for
16 honesty.

17 MR. BAUM: That's not what he
18 said. That's not what he said but
19 the record will speak for itself.

20 MR. MANCHANDA: I'm sorry, Mr.
21 Baum?

22 MR. BAUM: That's not what he
23 said but the record will speak for
24 itself.

25 MR. MANCHANDA: Well, that's

1 M. SARANG
2 good because the first time he
3 answered the question, he said he was
4 certain. So, you know, it's right
5 there. Again, I find that hard to
6 believe and that's why I pressed the
7 issue.

8 MR. BAUM: All right. Next
9 question.

10 MR. MANCHANDA: But whether or
11 not we consider that perjurious or
12 not is a different story.

13 MR. BAUM: Stop badgering him
14 and just ask a question.

15 MR. MANCHANDA: I'm not
16 badgering anybody, I'm speaking to
17 you.

18 MR. BAUM: And your out of
19 line. Ask questions. It's a
20 deposition, it's not a court hearing.

21 MR. MANCHANDA: I'm sorry?

22 MR. BAUM: It's a deposition,
23 not a court hearing. There's no jury
24 here.

25 MR. MANCHANDA: Right. And

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M. SARANG

that means he has to answer every
question.

MR. BAUM: And he answered.

MR. MANCHANDA: You can't
object to things because he still has
to answer.

MR. BAUM: I can object, I can
direct him to answer.

MR. MANCHANDA: You don't have
any grounds.

MR. BAUM: I object and then I
directed him to answer.

MR. MANCHANDA: Why, by
helping him clarify his answers that
he --

MR. BAUM: No, I object to the
form of the question. This is what
happens in a deposition. You object
to the form of the question and then
the witness answers it.

MR. MANCHANDA: I don't want
to argue with you. Let me just
finish my deposition so we can get
out of here.

1 M. SARANG

2 Q. Again, were you given a
3 training manual at ECMC, Mr. Sarang?

4 MR. BAUM: Objection. Asked
5 answer answered.

6 A. Yeah, I don't know why you
7 keep asking the same questions in
8 different sentences.

9 Q. Somebody --

10 A. You literally asked me the
11 same questions in three different
12 instances, I've given you the same
13 response. Yes, I've been trained --

14 Q. Were you ever disciplined at
15 ECMC for any reason?

16 A. No.

17 Q. You were never disciplined?

18 A. Never. There you go, you can
19 keep continuously asking the same
20 question.

21 MR. BAUM: Just answer the
22 question.

23 Q. How much was the percentage
24 that you would received in bonuses and
25 commissions, the exact percentage for a

1 M. SARANG
2 successful enrollment of an individual
3 into your rehabilitation program, was it
4 a set amount percentage?

5 A. There is a structure, there is
6 a commission structure. You had to make
7 sure that you collected a certain amount
8 of student loans in order for you to
9 actually be in that tier, so there is
10 different tiers.

11 Q. What were the tiers, can you
12 define those, please?

13 A. I don't have tiers. You're
14 talking about something that happened
15 four or five years ago. I'm in a whole
16 other job now.

17 Q. Can you define what a tier is?

18 A. Yeah, so a tier one, you know,
19 if you collected a mediocre amount. A
20 tier two, if you collected a decent
21 amount. A tier three, if you had a great
22 month. It's just like a cars salesman,
23 you sell two cars, you get this, you sell
24 four cars, you get that, do you know what
25 I mean? It's the same instance.

1 M. SARANG

2 Q. So you would describe your job
3 as being like a used car salesman?

4 A. No, not at all --

5 MR. BAUM: Objection.

6 Q. So, what you're saying is that
7 there were different levels of percentage
8 commission based on your success rate of
9 ensnaring individuals into your
10 rehabilitation program?

11 MR. BAUM: Objection.

12 Q. How much were you paid while
13 employed at ECMC salary wise both
14 initially and when you left employment?

15 A. I have no idea. You're
16 talking about something that happened
17 four years.

18 Q. You don't remember your
19 approximate salary both initially and
20 when you left ECMC, your base --

21 A. Between three thousand to
22 thirty-five hundred, somewhere around
23 that range.

24 Q. A week, month, year?

25 A. Monthly.

1 M. SARANG

2 Q. Were you paid as a contractor
3 or as an employee?

4 A. As an employee.

5 Q. Did you get W-2's or a 1099?

6 A. W-2's.

7 Q. Which state were you working
8 out of?

9 A. California.

10 Q. And the headquarters was
11 located where?

12 A. Minnesota.

13 Q. How many other individuals
14 were in your unit in California?

15 A. In my unit or the, in my
16 particular unit, there are twelve
17 individuals.

18 Q. In the California branch of
19 ECMC?

20 A. No, that's in my unit. So
21 there were approximately probably, not
22 approximately because I don't know how
23 many approximate, but it was probably
24 around fifty employees.

25 Q. In California?

1 M. SARANG

2 A. In California.

3 Q. And what city in California?

4 A. Sacramento.

5 Q. Did you interview for the job
6 at ECMC?

7 A. Yes.

8 Q. Because earlier, you had said
9 that your friend had brought you in?

10 A. Yeah, my friend referred me
11 but I had to go through the interview
12 process, and everything else, the
13 training, everything that I had to do.
14 He just knew that I would be a great fit
15 for that job, so.

16 Q. How many times were you
17 interviewed for the job?

18 A. Twice, it was a two stage
19 interview process.

20 Q. On the same day or different
21 days?

22 A. Different days.

23 Q. By the same individual or
24 different individuals?

25 A. Different individuals.

1 M. SARANG

2 Q. While you were at ECMC, who
3 were your immediate supervisors in a
4 linear chain from lowest to highest,
5 their names, please?

6 A. Norman Miranda, Rodney Ebonez
7 and Len Hyde.

8 Q. While you were working for
9 ECMC, who was your immediate subordinates
10 in a linear chain from highest to lowest?

11 A. From highest, Len Hyde, Rodney
12 Ebonez and Norman Miranda --

13 Q. No, no, no, who were beneath
14 you, immediate subordinates, not --

15 A. You're talking about just
16 co-workers?

17 Q. No, no, let me rephrase it.

18 A. There are no people beneath
19 me, let's say that.

20 Q. There were no people beneath
21 you, no subordinates?

22 A. No.

23 Q. You didn't have any
24 administrative personnel, coffee getters,
25 secretaries?

1 M. SARANG

2 A. No.

3 Q. No clerks?

4 A. There are not beneath me, they
5 are beside me.

6 Q. Subordinate employees, I'm
7 making a value judgement here, I'm asking
8 you in terms of corporate structure
9 hierarchy --

10 A. Yeah.

11 Q. -- who were your immediate
12 subordinates, highest level closest to
13 you all the way to the lowest?

14 A. Well, you got to realize
15 there's two hundred employees --

16 Q. That would report to you, in
17 other words, did you have anybody
18 reporting to you?

19 A. No one reported to me, no.

20 Q. No one reported to you?

21 A. No.

22 MR. BAUM: Asked and answered.

23 Q. How many borrowers did you
24 speak to on average per day on behalf of
25 ECMC?

1 M. SARANG

2 A. On average -- maybe twelve to
3 fifteen.

4 Q. How many hours, days of
5 employment at ECMC during the week?

6 A. Forty hours a week.

7 Q. Every day?

8 A. Forty hours a week, which is
9 eight hours a day.

10 Q. Monday through Friday or
11 including Saturdays and Sundays?

12 A. Yes, Monday through Friday.

13 Q. What were your hours of
14 employment?

15 A. Ten to seven.

16 Q. Ten a.m. to seven p.m., and
17 that's California standard time?

18 A. That's correct.

19 Q. Did you ever call anybody
20 after those hours?

21 A. No.

22 Q. Did you ever call anybody
23 before those hours?

24 A. Possibly, yes, sometimes we
25 had holiday schedules where they would

1 M. SARANG
2 allow us to work from eight a.m. to five
3 p.m.. And in those days, I may have
4 called somebody between that eight a.m.
5 to ten p.m. shift.

6 Q. So there is a possibility that
7 you called people after or before your
8 shift?

9 A. Yeah, in the event that it was
10 a holiday and they changed our schedule.
11 So we had three different units, the
12 first unit worked from eight to five, the
13 second unit worked from nine to six and
14 the third unit worked from ten to seven.
15 I was a part of the third unit that
16 worked ten to seven. But in the event
17 that there was a holiday and they wanted
18 everybody to get out at the same time, we
19 would all work eight to five.

20 Q. Mr. Sarang, what time would it
21 be in New York if it's seven o'clock p.m.
22 in California?

23 A. Ten o'clock p.m., New York.

24 Q. Ten o'clock p.m.

25 And you said you would

1 M. SARANG

2 sometimes call people after seven o'clock
3 Sacramento time?

4 A. After seven p.m., no, we would
5 not be allowed to do so.

6 Q. Who would not allow you to do
7 so?

8 A. The phone system would not
9 make the call automatically due to the
10 fact that in the event that the area code
11 was over the times zone, we don't have
12 the ability to call after that specific
13 timeframe, the system would automatically
14 shut it down. And we would leave work at
15 seven p.m. anyways.

16 Q. Are you aware that calling
17 anybody on a collection matter after nine
18 o'clock is against federal law?

19 A. I am.

20 Q. Can you explain how you know
21 that?

22 A. Because I used to train the
23 Fair Debt Collection Practices Act.

24 Q. Mr. Sarang, do you know where
25 I was living or residing when you called

1 M. SARANG

2 me?

3 A. You were, I'm under the
4 assumption that you were in the State of
5 New York.

6 Q. Correct.

7 And how many hours is that
8 difference from California?

9 A. It's a three hour time
10 difference.

11 Q. So if you called me at say,
12 6:30 or seven, what time would it be in
13 New York?

14 A. If I called you at seven, it
15 would be ten. If I called you at 6:30,
16 it would be 9:30.

17 Q. Which would be against federal
18 law, correct?

19 A. Correct.

20 Q. Okay.

21 Mr. Sarang, I'm going to ask
22 directly, you have the computer in front
23 of you at the time that you called me,
24 did you know I Plaintiff Rahul
25 Manchanda's current home and work address

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M. SARANG

at the time you called him in April of
2017?

A. I'm sorry, say that again.

Q. Did you know Plaintiff Rahul
Manchanda's current home and work address
at the time you called him in April of
2017?

A. I believe that I have the work
address that's automatically populated
into the screen. I don't believe that I
have the work address.

Q. Are you aware that you, ECMC
and you would send correspondence to both
work and home address?

A. I'm aware of the home address,
not the work address.

Q. Would ECMC and would you
regularly keep both a work address and a
home address on that computer screen?

A. No, not regularly, just the
home address.

Q. When you say regularly, it did
occur that you would have work and home
addresses, correct?

1 M. SARANG

2 A. It could've been a possibility
3 in the event that the customer provided
4 us that information.

5 Q. And the same for cell phone
6 numbers or telephone numbers?

7 A. Correct.

8 Q. So the next question is
9 similar, did you know Plaintiff Rahul
10 Manchanda's current home and work
11 telephone numbers at the time you called
12 him in April of 2017?

13 A. They only provide us with the
14 home number, I don't know about the work
15 number.

16 Q. And similarly, did you know
17 Plaintiff Rahul Manchanda's current home
18 and work e-mail address at the time you
19 called him in April of 2017?

20 A. Home e-mail, not work e-mail.

21 Q. Okay.

22 Did you know Plaintiff Rahul
23 Manchanda's former home and work address
24 at the time you called him April of 2017?

25 A. No, you asked that question

1 M. SARANG

2 again.

3 Q. You know you were recorded in
4 April of 2017, right?

5 A. That's fine. Like I
6 indicated, I don't have anything to worry
7 about because I didn't do anything
8 wrong --

9 Q. And did you listen to that
10 recording, Mr. Sarang?

11 A. No, I have not.

12 Q. You have not listened to your
13 own recording of you calling me in April
14 of 2017?

15 A. No, I have not.

16 Q. Okay. Thank you, that's
17 helpful.

18 Did you know Plaintiff Rahul
19 Manchanda's former home and work e-mail
20 address at the time you called him April
21 of 2017?

22 MR. BAUM: Asked and answered.

23 MR. MANCHANDA: Former, I
24 didn't ask, no, this is former,
25 before was current.

1 M. SARANG

2 A. No.

3 MR. BAUM: So what would've
4 been former as of 2017.

5 MR. MANCHANDA: Same question.

6 Q. Okay. Last question in this
7 vein.

8 Did you know Plaintiff Rahul
9 Manchanda's former home and work
10 telephone numbers at the time you called
11 him in April of 2017?

12 A. No.

13 Q. And again, you have not
14 listened to your recordings, okay.

15 Next question -- Mr. Sarang,
16 why did you not mention at all during
17 your phone call with Plaintiff Rahul
18 Manchanda that he had apparently missed
19 his, quote, sixty day right to cure, the
20 quote, notice of default supposedly sent
21 to Plaintiff Rahul Manchanda at his old
22 former address, 82 Beaver Street,
23 apartment 301, New York, New York 10004,
24 supposedly sent by ECMC on or about
25 February 7, 2017?

1 M. SARANG

2 MR. BAUM: Objection to the
3 form of the question.

4 Q. Did you hear my question --

5 MR. BAUM: I'm objecting to
6 the form.

7 MR. MANCHANDA: I'll rephrase
8 the question.

9 Q. Did you hear my question, Mr.
10 Sarang?

11 A. Yes, I did.

12 Q. Do you want me to rephrase it
13 for you?

14 A. Yes, please.

15 Q. Okay.

16 Mr. Sarang, why did you not
17 mention at all during the recording or
18 during the phone call on April of 2017
19 that Plaintiff Rahul Manchanda had
20 apparently missed his, quote, sixty day
21 right to cure letter, which was the
22 notice of default letter, supposedly sent
23 to me Mr. Manchanda at his old former
24 address of 82 Beaver Street, New York,
25 New York on or about February 7, 2017 by

1 M. SARANG

2 ECMC?

3 MR. BAUM: I'm just going to
4 object in that it assumes a fact he
5 has not testified to but you can
6 answer it.

7 MR. MANCHANDA: I mean we can
8 put the document in as an exhibit.
9 It's the recording -- we'd like to
10 enter that Exhibit A.

11 MR. BAUM: Your question was,
12 why didn't he mention it and he
13 hasn't testified about mentioning or
14 not mentioning.

15 MR. MANCHANDA: It's your
16 exhibit. If you want to admit it as
17 A --

18 MR. BAUM: I don't have an
19 exhibit, this is your deposition.

20 MR. MANCHANDA: The sound
21 recording you provided that we would
22 like to enter in as Exhibit A, which
23 was the recording in April 2017,
24 okay, which is his voice. So we
25 would like to enter, if you're going

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M. SARANG

to object to that, we're going to
enter it as evidence.

MR. BAUM: No, you're
misconstruing what I said. What I
said is that your question began with
the words, why didn't you mention,
and I'm saying you're assuming a fact
when you ask the question that way.

MR. MANCHANDA: We have a
recording of it.

MR. BAUM: Why don't you ask
him first whether he mentioned or
not.

MR. MANCHANDA: He did mention
it. It's a fact, it's an exhibit.
It is what it is. It exists. It's
your exhibit, it's your document
recording, my friend. So, I don't
have to ask him, I don't have to lay
a foundation because we have a
recording of him doing that.

MR. BAUM: But he hasn't
listened to hit.

MR. MANCHANDA: I'll rephrase

1 M. SARANG
2 it for you for your benefit, in the
3 spirit of, you know, cooperation,
4 okay? Even though it's a recording.
5 You can't argue your way out of that.

6 Q. Mr. Sarang, referring to the
7 recording that was provided by ECMC
8 counsel, Ken Baum of you speaking to
9 Plaintiff Rahul Manchanda in April of
10 2017, which has now been admitted as
11 Exhibit A in this deposition, why did you
12 not mention the sixty day right to cure
13 notice of default at all in your
14 conversation?

15 MR. BAUM: I have the same
16 objection but you can answer it.

17 A. I haven't listened to the
18 recording, so I do not recall in the
19 event that I said it or not. Once again,
20 you're talking about something that
21 happened four to five years ago.

22 Q. Okay. So the question, I'll
23 rephrase it and make it even simpler.

24 Why didn't you mention the
25 sixty day notice of default in your

1 M. SARANG

2 conversation?

3 A. Well, it's already passed the
4 sixty day notice of default after it gets
5 to my desk. So you're already past that
6 stage.

7 Q. But you had already added a
8 collections cost to make it one sixty-one
9 thousand when it was the original one
10 hundred and eighteen thousand?

11 A. I personally didn't add
12 anything. So let's rephrase that right
13 now, all right? Before it gets to my
14 desk, collection costs are already added
15 to the account before it even comes to my
16 desk. That's what happens whenever you
17 default. So, we're trained and we have
18 specific policies, that's why I know for
19 a fact that I haven't done anything or
20 misrepresented you in any way, shape or
21 form because we are that compliant.
22 There are that many people, that many
23 ears and that many eyes looking at this,
24 that at the end of the day, it doesn't
25 even come to my desk unless it's past

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M. SARANG

that sixty day stage. So if you --

Q. Mr. Sarang --

A. -- hold on. I'm answering your question.

MR. BAUM: Let him speak --

MR. MANCHANDA: No, no, this --

MR. BAUM: No, no, no, he's answering your question.

MR. MANCHANDA: This is my deposition.

MR. BAUM: And he gets to answer your question.

THE WITNESS: Exactly.

MR. MANCHANDA: He's going on and this is irrelevant.

THE WITNESS: And you're continuing going on as well for things that make no sense, no relevance in any way, shape or form. You've asked the same question three different times and three different instances.

MR. MANCHANDA: Right. To

1 M. SARANG

2 make it simpler for you.

3 Q. So, you're admitting or you're
4 saying, and you have, you don't know why
5 you did that, that's fine for me, that's
6 fine with me. We'll move on.

7 MR. BAUM: Next question.

8 Q. Mr. Sarang, when Plaintiff
9 Rahul Manchanda repeatedly questioned the
10 dollar amount that you were throwing
11 around of approximately one sixty-one
12 thousand, and correcting you by telling
13 you it was one hundred thousand or one
14 hundred and eighteen thousand, why did
15 you not address or answer that question?

16 MR. BAUM: Objection to
17 foundation. You can answer.

18 MR. MANCHANDA: It's in the
19 recording, it's Exhibit A.

20 MR. BAUM: I'm just objecting
21 and he can answering.

22 MR. MANCHANDA: It's your
23 exhibit.

24 A. You keep talking about this
25 exhibit and this recording, I have not

1 M. SARANG

2 heard the recording.

3 Q. Maybe you should.

4 A. You're absolutely correct.

5 Q. I'm surprised that ECMC didn't
6 give it to you --

7 MR. BAUM: You can answer the
8 question.

9 Q. -- because in my opinion,
10 they're throwing you under the bus. It's
11 all there, I'm not making this up. This
12 is real. And you know, I would like to
13 remind you of the consequences for
14 knowingly giving testimony that's
15 inaccurate in this deposition.

16 MR. BAUM: Objection. You're
17 harassing him. Ask him a question
18 and stop harassing him.

19 A. I don't even feel comfortable
20 continuing this because I, in any way,
21 shape or form have done nothing wrong. I
22 was an employee, I was trained. These
23 are the procedures and these are the
24 policies. So in the event that you have
25 any issues with the people that make the

1 M. SARANG
2 policies and actually provide the
3 training, then that's something that you
4 want to be able to take up with them.
5 I've already been so kind and courteous
6 to give you an hour of my time to truly
7 try to assist you in whatever is actually
8 transpiring. But at the end of the day,
9 I will disconnect this call, I will go
10 about my day and you guys can do whatever
11 you please. Because at the end of the
12 day, it plays no relevance to me. I did
13 nothing wrong in any way, shape or form.
14 In the event that I need to seek counsel,
15 then I will do so. But I can assure you
16 that I've done nothing in any way, shape
17 or form. I'm doing this as a courtesy
18 because ECMC was very kind to me, and
19 they were a good company and they've done
20 nothing wrong. In the event that you
21 defaulted and you put yourself in this
22 position, Rahul, that's completely up to
23 you. If you're trying to find a loophole
24 to get out of it, that's whatever. But
25 at the end of the day, I've done nothing

1 M. SARANG

2 wrong. That's all I got to say.

3 Q. You're done. I have to move
4 on.

5 A. I'm done with this
6 conversation. You guys have a great --

7 MR. BAUM: Hold on. Let's
8 move on to the next question, okay?

9 MR. MANCHANDA: That's what
10 I'm trying to do.

11 MR. BAUM: Just stick to
12 questions, no editorializing. Just
13 ask him questions.

14 MR. MANCHANDA: We understand
15 that you're angry and that --

16 MR. BAUM: Can you just ask
17 him a question?

18 Q. Mr. Sarang, why did you ask
19 the Plaintiff Rahul Manchanda if he had
20 ever visited California or why you wanted
21 to visit New York so badly while
22 Plaintiff Rahul Manchanda was asking why
23 loan amount was so high?

24 MR. BAUM: I'm going to object
25 to foundation. You can answer.

1 M. SARANG

2 MR. MANCHANDA: Okay.

3 MR. BAUM: You can answer.

4 A. I was looking to make
5 conversation, just trying to build a
6 rapport.

7 Q. Mr. Sarang, Plaintiff Rahul
8 Manchanda was trying to ask you why you
9 were quoting, in his mind, an inaccurate
10 loan amount of one sixty-one thousand
11 when his opinion, it was one hundred to
12 one hundred and eighteen thousand, but
13 you answered his question with, had he
14 ever visited California or how much you
15 wanted to visit New York so badly, why
16 did you do that and not answer the
17 question?

18 A. I don't recall.

19 Q. So, do you normally try to
20 make commentary, to use your words or to
21 strike a rapport with your borrowers when
22 they are questioning the dollar amount
23 that you are trying to get him to enroll
24 in your rehabilitation program for or do
25 you answer their questions because these

1 M. SARANG
2 are important questions as a collection
3 or as a party that is trying to enroll
4 people in a rehabilitation programs, it's
5 a very important question.

6 So, is that normal for you to
7 just strike a rapport and ignore their
8 question or do you answer it?

9 A. I would typically answer the
10 question and in the event that I was able
11 to listen to the recording, I'm pretty
12 sure that I did answer your question. I
13 don't recall due to the fact that it
14 happened four years ago.

15 Q. Okay.

16 A. You got to realize that I talk
17 to twelve people a day for the whole
18 entire year. So to remember one
19 conversation --

20 Q. I understand how tough it is
21 to talk to people but there are rules,
22 Mr. Sarang.

23 A. Absolutely --

24 MR. BAUM: Is there a
25 question?

1 M. SARANG

2 Q. Mr. Sarang, why did you
3 constantly ask Plaintiff Rahul Manchanda
4 about his ethnic heritage while Plaintiff
5 Rahul Manchanda was asking you why his
6 loan amount was so much higher than he
7 thought it was?

8 A. Once again --

9 MR. BAUM: Objection to
10 foundation. You can answer.

11 A. Building a rapport, once
12 again.

13 Q. Mr. Sarang, why did you
14 constantly volunteer that you had, quote,
15 unquote, Indian ethnic heritage while
16 Plaintiff Rahul Manchanda was asking you
17 why his loan amount was so much higher
18 than he thought it was?

19 MR. BAUM: Objection to
20 foundation. You can answer.

21 A. Once again, building a
22 rapport.

23 Q. Building a rapport is more
24 important than answering a question about
25 his loan amount?

1 M. SARANG

2 MR. BAUM: Asked and answered.

3 Q. I believe I asked you this
4 question earlier but it's a slight
5 difference, if it's a similar question,
6 then you can please excuse me. These
7 questions were prewritten and I apologize
8 to that.

9 Mr. Sarang, was someone else
10 listening in while you were on the phone
11 with Plaintiff Rahul Manchanda in April
12 of 2017?

13 MR. BAUM: Asked and answered.

14 A. Asked answer answered.

15 Q. If yes, who was that and what
16 was their position at ECMC?

17 A. Say it again.

18 Q. If yes, somebody was listening
19 while you were on the phone with
20 Plaintiff Rahul Manchanda in April of
21 2017, what was their position, who were
22 they and what was their position at ECMC?

23 A. I don't know, they were the
24 compliance department. They were
25 individuals that were in the compliance

1 M. SARANG

2 department.

3 Q. You don't know their names?

4 A. No, I don't have their names,
5 no.

6 Q. You don't know their
7 positions?

8 A. No, I don't know, they are
9 compliance officers in the compliance
10 department and they didn't provide us
11 with any of their names.

12 Q. Did you ever meet any of them?

13 A. No.

14 Q. You never met any of the --

15 A. No.

16 Q. -- listeners?

17 A. Never.

18 Q. You never shared any tidbits
19 of information, like bag that Gordon
20 Gekko today or something like that?

21 A. No.

22 Q. Locker room talk kind of thing
23 about how you made a lot of money that
24 day?

25 A. No.

1 M. SARANG

2 Q. Never?

3 A. No.

4 Q. Did you ever have that kind of
5 talk at your previous employment as a
6 debt collector --

7 A. No.

8 Q. -- about how much money you
9 made that day with any of your fellow
10 employees?

11 A. No.

12 Q. Was there also a bonus or
13 commission basis at your previous
14 employer --

15 A. No.

16 Q. -- what was the name of it?

17 A. Superlative RM.

18 Q. Was there a bonus or
19 commission basis compensation at that
20 company?

21 A. No, salaried employee.

22 Q. Salary employee?

23 A. Correct.

24 Q. So you weren't rewarded with
25 how many debts you collected on a tier

1 M. SARANG

2 system like you described now?

3 A. Nope, I was a manager at that
4 specific position and I was under a
5 salary structure.

6 Q. Okay.

7 Mr. Sarang, why did you
8 constantly mispronounce plaintiff's loan
9 guarantor relatives, and family members
10 and finance's name while spelling them
11 out if you were truly Indian and respect
12 your Indian heritage, why did you
13 mispronounce and sort of make fun and
14 laugh at the pronunciation of Plaintiff
15 Rahul Manchanda's relative's names,
16 Indian names, and his fiance's name, why
17 did you do that?

18 MR. BAUM: Objection to no
19 foundation. You can answer.

20 MR. MANCHANDA: It's your
21 exhibit, Exhibit A, it's a
22 recording --

23 MR. BAUM: I said he can
24 answer, I said he can answer, I said
25 he can answer.

1 M. SARANG

2 A. First of all, A, I would never
3 make fun. And in the event that I
4 mispronounced it, I can put a name on the
5 board right now and I'm pretty sure that
6 you're going to mispronounce it as well.
7 It's just one of those things where in
8 the event that I was, you know, wasn't
9 able to pronounce it correctly, then it's
10 just one of those things that I wasn't
11 able to pronounce it correctly. It's not
12 like I was intentionally doing it or
13 trying to intentionally make fun or
14 anything of that nature. I was literally
15 trying to build a rapport because I am of
16 the Indian descent. So that's all it
17 was.

18 Q. When you say you're of Indian
19 descent, where is that, is that from
20 India, Guyana, Trinidad, Fiji, where
21 exactly is that origin?

22 A. Why is this relevant --

23 MR. BAUM: Objection. Come
24 on.

25 MR. MANCHANDA: He opened the

1 M. SARANG

2 door, so I'm going to ask the
3 question.

4 MR. BAUM: No, he told you why
5 he asked about it, you're not going
6 to go into his personal history.

7 MR. MANCHANDA: Because he's
8 not of Indian descent, I differ with
9 that opinion and he was making fun of
10 my ethnic heritage.

11 A. You're indicating that I'm not
12 of the Indian descent?

13 Q. Where is your Indian descent,
14 is it Guyana, India --

15 MR. BAUM: Objection.

16 A. It's Gujarati.

17 Q. Gujarati?

18 A. Yes, I speak it as well. If
19 you would like me to speak, if that would
20 be --

21 Q. Is that your parent's
22 generation --

23 MR. BAUM: I'm objecting to
24 this. Don't answer. Move on to a
25 relevant question.

1 M. SARANG

2 MR. MANCHANDA: The relevance
3 has do with, you know, poking fun at
4 his borrower's ethnic --

5 THE WITNESS: No one was
6 poking fun.

7 MR. BAUM: Move on, next
8 question.

9 MR. MANCHANDA: He doesn't
10 have authentic Indian heritage
11 apparently because he's saying --

12 MR. BAUM: Next question.

13 MR. MANCHANDA: Because he's
14 making fun of the names and
15 spellings. We'll move on.

16 Q. Mr. Sarang, did you ever while
17 speaking or looking through Plaintiff
18 Rahul Manchanda's account, did you ever
19 see his former 82 Beaver Street,
20 apartment 301, New York, New York address
21 on your computer screen?

22 A. I don't recall.

23 Q. While speaking to Plaintiff
24 Rahul Manchanda on April of 2017?

25 A. I don't recall, it happened

1 M. SARANG

2 four years ago, once again.

3 Q. Why did you ask Plaintiff
4 Rahul Manchanda to constantly verify his
5 current address in April of 2017?

6 A. It's for verification
7 purposes, to make sure we are speaking
8 with the correct party.

9 Q. Do you remember the address
10 that you recounted to Plaintiff Rahul
11 Manchanda on the phone call?

12 A. No.

13 Q. Do you remember the telephone
14 number that you recounted to Plaintiff
15 during that April of 2017 phone call?

16 A. No.

17 Q. Do you remember the e-mail
18 address --

19 A. No.

20 Q. -- that you recounted to the
21 Plaintiff Rahul Manchanda during that
22 call.

23 Mr. Sarang, why did you ask
24 Plaintiff Rahul Manchanda to, quote,
25 DocuSign your, quote, rehabilitation

1 M. SARANG
2 contract twice in one evening within
3 fifteen to twenty minutes of each call?

4 MR. BAUM: Objection to
5 foundation. You can answer.

6 A. I don't recall.

7 Q. Mr. Sarang, to remind you
8 according to Exhibit A submitted by ECMC,
9 the recordings, you called Plaintiff
10 Rahul Manchanda more than once within a
11 fifteen to twenty minute period.

12 So you agree to that, accept
13 that, do you remember that?

14 A. I don't recall that.

15 Q. Do you want me to refresh your
16 memory?

17 A. I don't see how you're going
18 to refresh my memory when something
19 happened four years ago.

20 Q. Refer to Exhibit A.

21 So my question again is, why
22 did you ask Plaintiff to DocuSign your
23 rehab contract twice in one evening
24 within fifteen minutes of each call?

25 A. I comprehend, and register and

1 M. SARANG
2 understand very well. I just told you
3 that I do not recall.

4 Q. Mr. Sarang, what was the
5 difference between the first DocuSign and
6 the second DocuSign contracts?

7 A. I don't remember.

8 Q. You don't remember the
9 difference between the two DocuSign
10 contracts that you asked me to sign?

11 A. No, not at all.

12 Q. Mr. Sarang, how often did it
13 happen that you would ask your borrowers
14 to resign a DocuSign contract in the same
15 day?

16 A. How often?

17 Q. Yes.

18 A. That's something else that I
19 don't recall.

20 Q. Mr. Sarang, isn't it true that
21 you attached additional documents the
22 second time that you asked Plaintiff
23 Rahul Manchanda to DocuSign without
24 letting him read the second DocuSign
25 agreement; isn't that true?

1 M. SARANG

2 A. Without letting him read? In
3 the event that he didn't read it, that's
4 completely on him.

5 Q. The one containing the one
6 sixty-one thousand dollar loan amount
7 that the Plaintiff was questioning to you
8 throughout the entire phone conversation?

9 A. Well, in the event that you
10 were questioning it and you still
11 voluntarily signed it, that's completely
12 going to be on you, you know. So, I
13 don't recall what document that you're
14 speaking in reference to. This is simple
15 standard protocol. Every customer is
16 treated the same. We don't veer off and
17 treat any other individuals differently.
18 Every single customer is treated the
19 same. In the event that you're in
20 default, you either have the ability to
21 rehabilitate your loans, make the nine of
22 ten on time monthly payments, that's what
23 we're trying, that's ultimately what we
24 were trying to advise you. So, you know,
25 like I said, you can't tell me about one

1 M. SARANG
2 specific recording that happened four
3 years ago and expect me to remember all
4 the details in reference to this
5 recording. I talk to thousands and
6 thousands of people.

7 Q. I would suggest that you get a
8 hold of that recording.

9 MR. BAUM: Next question.

10 Q. Mr. Sarang, did you make an
11 error or mistake thus necessitating two
12 separate DocuSign contacts, and if so,
13 what exactly was the specific error or
14 mistake?

15 A. I don't recall.

16 Q. Mr. Sarang, have you ever been
17 sued before?

18 A. No.

19 Q. Mr. Sarang, have you ever been
20 arrested before?

21 A. Yes.

22 Q. If yes, then what for and
23 when?

24 A. I don't feel comfortable
25 providing you with that information.

1 M. SARANG

2 Q. You have to answer the
3 question, it's under oath.

4 MR. BAUM: I'm going to
5 object. If you want to ask him about
6 a conviction, which arguably, could
7 be relevant.

8 MR. MANCHANDA: No, that was
9 not my question.

10 MR. BAUM: Okay, well.

11 Q. You have to answer the
12 question, Mr. Sarang, under oath.

13 A. In the event that I was
14 arrested, yeah, I was arrested, I got a
15 DUI. There.

16 Q. So I'll ask you the question
17 again.

18 Have you ever been arrested
19 before, Mr. Sarang?

20 A. Yes.

21 MR. BAUM: He just answered
22 it.

23 Q. If yes, then what for and
24 when?

25 MR. BAUM: He just answered

1 M. SARANG

2 it.

3 A. Okay. So, it's a DUI --

4 Q. When, when, you didn't answer.

5 A. I'm trying to answer but when
6 you're continuously talking while I'm
7 talking, it's really hard to do so,
8 Rahul. So I'm going to answer. Is that
9 okay? Can I speak now? I was arrested
10 on the 1st, New Years.

11 Q. Of?

12 A. Nine years ago.

13 Q. And that was your only arrest?

14 A. Correct.

15 Q. For drinking, driving while
16 under the influence?

17 A. Correct.

18 Q. Of alcohol or drugs?

19 A. It was alcohol.

20 Q. Alcohol.

21 Were you convicted?

22 A. Yes.

23 Q. You were convicted?

24 A. Correct.

25 Q. What was the result of the

1 M. SARANG

2 conviction?

3 A. I had to do a, go to DUI
4 school and go through -- what is it
5 called? The breathalyzer in your
6 vehicle. I had a breathalyzer in my
7 vehicle and I had to go through an
8 eighteen month program.

9 Q. Mr. Sarang, do you still have
10 a problem with alcohol?

11 A. Not at all.

12 Q. Did you have a problem with
13 alcohol while you were working ECMC?

14 A. Not at all. That's was nine
15 years ago --

16 Q. Were you ever drinking on a
17 call --

18 A. Say it again.

19 Q. Were you ever drinking on the
20 hob while you were at ECMC?

21 A. Never, never.

22 Q. Did you ever have to go any
23 rehabilitation for any alcoholism?

24 MR. BAUM: Alcoholism or for
25 the DUI?

1 M. SARANG

2 THE WITNESS: You're breaking
3 up.

4 Q. Did you ever have to go to any
5 kind, I'll rephrase the question.

6 MR. MANCHANDA: Can you hear
7 me?

8 THE WITNESS: You're frozen,
9 you guys are all frozen.

10 MR. MANCHANDA: We can hear
11 you and see you fine.

12 THE WITNESS: Are you guys
13 there?

14 MR. BAUM: Can you see us?

15 THE WITNESS: I can see you
16 but it's frozen for some reason.

17 A. Ask the question again.

18 Q. Mr. Sarang, did you ever drink
19 while employed by ECMC?

20 THE WITNESS: Hello?

21 MR. BAUM: He already answered
22 that, by the way.

23 MR. MANCHANDA: He didn't.

24 MR. BAUM: Yes, he did, he
25 said he did not.

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M. SARANG

THE WITNESS: Hello?

MR. MANCHANDA: He did not,
okay.

MR. BAUM: Does the court
reporter have that answer? Just
confirm. He answered that.

MR. MANCHANDA: Olga, did you
hear that answer?

MS. TRETIAKOVA: Yes.

Q. Next question, Mr. Sarang,
when was the last time you had a drink of
alcohol?

MR. BAUM: Objection.

Q. Mr. Sarang, do you think that
you have an alcohol problem?

MR. BAUM: I'm objecting and
direct him not to answer.

Q. Mr. Sarang, do you have an
alcohol problem in your opinion?

(No verbal response was given
by the witness.)

MR. BAUM: Can you hear us? I
don't know if he can hear.

MR. MANCHANDA: Mr. Sarang,

1 M. SARANG

2 can you hear us?

3 (Whereupon, a brief recess was
4 taken due to technical difficulties.)

5 CONTINUED EXAMINATION BY

6 MR. MANCHANDA:

7 MR. MANCHANDA: Hi, Mr.
8 Sarang.

9 THE WITNESS: All right, I
10 don't know what happened but here we
11 are again.

12 MR. MANCHANDA: Can you hear
13 us okay?

14 THE WITNESS: Yes, I can hear
15 you okay. Please ask the question
16 again.

17 MR. MANCHANDA: Okay, sir.

18 Q. As I was asking before, Mr.
19 Sarang, in your opinion, do you have an
20 alcohol problem?

21 MR. BAUM: I'm going to
22 object. That's a harassing question.

23 A. Yeah, you're continuously
24 harassing me and I told that happened
25 nine years ago. And in any way, shape or

1 M. SARANG
2 form, I never drank at ECMC in any way,
3 shape or form. So please try to find
4 another reason --

5 Q. You were arrested and
6 convicted of an alcohol related crime.
7 It's a reasonable question to ask you --

8 MR. BAUM: No --

9 A. It's not at all.

10 MR. BAUM: -- I'm going to
11 object.

12 Q. Because that could affect your
13 job performance and your memory.

14 MR. BAUM: He said he never
15 drank at ECMC and anything beyond
16 that about any alcoholism is way
17 beyond the scope of this case.

18 THE WITNESS: Exactly.

19 MR. MANCHANDA: If ECMC was
20 aware of that, they shouldn't be
21 putting him in front of borrowers.

22 MR. BAUM: Next question.

23 MR. MANCHANDA: That's
24 respondent superior, that's 101.

25 MR. BAUM: You can make your

1 M. SARANG

2 argument, there's no jury here. So,
3 next question.

4 MR. MANCHANDA: You're asking
5 me why it's relevant and I'm telling
6 you why.

7 THE WITNESS: You guys are
8 really wasting my time right now --

9 MR. BAUM: I'm directing the
10 witness --

11 MR. MANCHANDA: Next question,
12 next question, next question.

13 Q. Mr. Sarang, have you ever been
14 disciplined at an academic or educational
15 institution that you attended?

16 A. No.

17 Q. You've never been disciplined
18 at an academic or institution?

19 A. I don't know why you ask a
20 question, I give you an answer and then
21 you literally say the same question like
22 you're --

23 Q. Because I thought you didn't
24 hear me --

25 A. -- like I'm lying.

1 M. SARANG

2 Q. I want to make sure you heard
3 the question.

4 A. Well, I did and I answered it.

5 Q. I'm actually helping you by
6 repeating it sometimes, I think.

7 A. I don't think so.

8 MR. BAUM: There's no
9 question. Just let him ask the next
10 one.

11 Q. Mr. Sarang, what kind of work
12 do you do now?

13 A. I am in the solar industry. I
14 work for a company that sells solar --

15 Q. You're in the solar industry?

16 A. Correct.

17 Q. Is there an incentive plan or
18 bonus commission plan for sales there?

19 A. I don't understand why that
20 would be relevant of what's transpiring
21 now about something that happened four
22 years ago.

23 Q. It's not your duty to think
24 about that. That question is simple.

25 If you're working, is there an

1 M. SARANG
2 incentive plan or bonus commission plan
3 for sales there?

4 A. Yes.

5 Q. Are you in that bonus
6 commission plan?

7 A. Yes.

8 Q. And how long have you been
9 employed by that new solar company?

10 A. Five months.

11 Q. What is the name of that solar
12 company?

13 A. Solar Energy Collective.

14 Q. And where are they located?

15 A. Stockton.

16 Q. So you're in sales?

17 A. Correct.

18 Q. And there is a bonus
19 commission plans for sales?

20 A. Correct.

21 Q. Where did you work before
22 that?

23 A. ECMC.

24 Q. So you went to work for ECMC,
25 you went directly to Solar, I'm sorry,

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M. SARANG

what was the name of that company?

A. Solar Energy Collective.

Q. Solar Energy Collective.

Oh, and you said you've been
there for four months?

A. Five months.

Q. When did you leave ECMC's
employment?

A. Two years ago.

Q. So what were you doing in the
meantime between two years and four
months ago?

A. Nothing. It was coronavirus
and staying at home.

Q. So you were unemployed during
that time period?

A. Correct.

Q. How did you support yourself
during that time period?

A. Unemployment.

Q. Unemployment for a year?

A. Correct.

Q. Again, did you quit ECMC or
did they fire you?

1 M. SARANG

2 MR. BAUM: Asked and answered.

3 A. Laid off, asked and answered
4 once again.

5 Q. Laid off?

6 A. Correct.

7 Q. Laid off.

8 Were you given any severance
9 package form ECMC?

10 A. Yes, the entire office was
11 laid off, every single employee was given
12 a severance package, and then we were
13 shut down all together. They relocated
14 the company to Minnesota. There is no
15 more California office.

16 Q. What year was that?

17 A. Two years ago.

18 Q. So you would say 2019?

19 A. Yeah, 2019 or maybe 2018. I
20 don't know, it was two or three years
21 ago. It could've been the end of 2018 or
22 the beginning of 2019.

23 Q. Mr. Sarang, did you hear about
24 any kind of lawsuits being filed against
25 ECMC by the CFPB customer, Consumer

1 M. SARANG

2 Financial Protection Bureau?

3 A. No.

4 Q. Did you hear about anything
5 about ECMC getting sued by any attorney
6 general --

7 A. No.

8 Q. -- Pennsylvania?

9 A. No.

10 Q. Did you hear about anything
11 negative in the press regarding --

12 A. No.

13 Q. -- ECMC around that time --

14 A. No.

15 Q. -- 2019?

16 A. No.

17 Q. So you're saying you left in
18 2019, ECMC laid off in mass everybody
19 from your unit and the collections
20 department for rehabilitation contracts;
21 is that right?

22 A. Not just everybody in our
23 unit, everybody in the entire building.
24 So probably about two to three hundred
25 employees.

1 M. SARANG

2 Q. And their reasoning was what?

3 A. I don't know what their
4 reasoning is.

5 Q. To get rid of what, witnesses?

6 MR. BAUM: Objection. Don't
7 answer that. He answered your
8 question already. Move on to the
9 next one.

10 Q. Mr. Sarang, who at ECMC
11 assigned you to Plaintiff Rahul
12 Manchanda's account?

13 A. Norman Miranda.

14 Q. Sorry?

15 A. My supervisor would be the one
16 to distribute accounts. So to answer
17 your question, his name is Norman
18 Miranda.

19 Q. Norman Randall?

20 A. Miranda.

21 Q. Norman Miranda.

22 What were some of the factors
23 that he would take into account in
24 distributing accounts?

25 A. I don't know, I'm not him.

1 M. SARANG

2 Q. Did he choose it based on
3 race, ethnicity, skin color, cultural
4 similarities, language, what were some of
5 the criteria used to assign borrowers to
6 certain collectors and rehabilitators?

7 A. All the accounts were evenly
8 distributed to all the account
9 representatives. So in any way, shape or
10 form, they were not discriminatory in any
11 way, shape or form.

12 Q. But there was a bonus
13 commission basis, right, the tier level?

14 A. Correct, to every employee
15 that was our there.

16 Q. So some of them were better
17 than others?

18 A. Well, in the event that you
19 outperform another collector, then yeah,
20 you're going to be better than others in
21 the even that you outperform them. It's
22 based on performance.

23 Q. Did you know of any other ECMC
24 employees that were disciplined by ECMC?

25 A. Do I know of any other ECMC

1 M. SARANG
2 employees that's were disciplined by
3 ECMC?

4 Q. Correct.

5 MR. BAUM: During his time
6 that he worked there?

7 MR. MANCHANDA: It's an
8 open-ended question.

9 MR. BAUM: No, you need to be
10 more specific. It's not open-ended.

11 MR. MANCHANDA: Fine.

12 Q. Both while you were working
13 there and when you were not working
14 there.

15 A. When you say disciplined, like
16 are you talking about in the event that
17 someone is tardy and they have to be
18 written up, then yeah.

19 Q. Discipline, so you are aware
20 of ECMC employees being disciplined while
21 you were employed by ECMC?

22 A. Yeah, in the event that
23 someone is tardy and they need to be
24 written up, then yes, they were
25 disciplined.

1 M. SARANG

2 Q. Tardy or party?

3 A. Tardy.

4 Q. Lateness, okay.

5 So the only thing you know
6 about was tardiness, nothing else?

7 A. Correct.

8 Q. So nobody was ever disciplined
9 for unethical conduct, or immoral conduct
10 or illegal conduct?

11 A. Nope.

12 Q. Do you know of anybody that
13 was arrested at ECMC?

14 A. Nope.

15 Q. No fellow employees --

16 A. No.

17 Q. -- were arrested.

18 Did you ever hear about
19 anybody past or present at ECMC being
20 arrested?

21 A. No.

22 Q. Or charged with a crime?

23 A. No.

24 Q. But you did hear about people
25 being disciplined, okay.

1 M. SARANG

2 Can you give me the names of
3 some of the individuals who were
4 disciplined?

5 A. No, I can't.

6 Q. Why, based on confidentiality
7 or you don't know?

8 A. I don't know their name, I
9 don't know their name like that.

10 Q. How many would you estimate,
11 how many employees would you estimate
12 were disciplined, to your knowledge, that
13 you know of?

14 A. I can't, you're saying to
15 estimate, I don't know, one or two.

16 Q. In your group?

17 A. In my group, correct.

18 Q. Mr. Sarang, are you aware of
19 which department would update addresses
20 in the ECMC database?

21 A. I'm not.

22 Q. But you said you were able to
23 update addresses yourself --

24 A. Correct.

25 Q. -- upon verification, correct?

1 M. SARANG

2 A. Correct, but I don't know who
3 originally populates that information
4 before it comes to my screen.

5 Q. So you have the clearance
6 level to alter, change or update
7 addresses, correct?

8 A. Correct.

9 Q. And in April of 2017, you do
10 not recall, as you said, why you asked me
11 about my address, e-mail or telephone
12 information?

13 A. Correct, I don't recall.

14 Q. And you also do not recall why
15 you DocuSign the document two times?

16 MR. BAUM: Asked and answered.
17 Same objection.

18 MR. MANCHANDA: Okay.

19 Q. Mr. Sarang, what information
20 training were you provided before being
21 assigned specifically Plaintiff Rahul
22 Manchanda's account?

23 A. What training? I told you --

24 Q. What information/training were
25 you provided before being assigned

1 M. SARANG
2 specifically to Plaintiff Rahul
3 Manchanda's account?

4 A. There is a trainer, a specific
5 trainer that trains individuals before
6 they're allowed to be on the phone.
7 There are exams, just like I originally
8 mentioned, and you go through training
9 courses, so you watch videos, you answer
10 quizzes, and you have the trainee
11 actually train you on the information.

12 Q. So before each phone call, you
13 are giving sort of a training seminar for
14 each different borrower?

15 A. No, not before each phone
16 call. Before you're allowed to start
17 working and start talking to customers,
18 before you're even allowed to be on the
19 phone and on the floor, you have to go
20 through training. You have to watch
21 these videos and you have to pass these
22 exams to make sure that you're going to
23 be able to speak with the customers under
24 compliance.

25 Q. So like I said, like you said,

1 M. SARANG

2 you spoke to about twelve to fifteen
3 borrowers per day?

4 A. Correct.

5 Q. And you were never taken aside
6 before these calls and given specific
7 information that may differ from each
8 borrower or you just treated them all the
9 same?

10 A. All the same.

11 Q. So you were never tipped off
12 and said, hey, this guy might have this
13 problem, this guy, we might have this
14 problem, this guy, may be he didn't get
15 the default, that kind of, you understand
16 what I'm saying.

17 You were literally thrown in
18 to twelve to fifteen calls with no pep
19 talk or no information before --

20 A. No, I don't think you're
21 comprehending or registering what I'm
22 advising you --

23 Q. Well, I'm asking you.

24 A. I was thrown in, I wasn't
25 thrown in. Before you're able to be, and

1 M. SARANG
2 I'm going to slow this down for you
3 because it seems like you need me to talk
4 really slowly. So, in event before
5 you're able to be on the phone and before
6 you're able to start talking to
7 customers, you have to go through
8 training. You have to pass these exams.
9 You have to know what you're doing before
10 you get on the floor and you cause, you
11 know, and misrepresent people in ways
12 that you're not supposed to be
13 misrepresenting them. So I was trained,
14 I passed the exams. After I did so,
15 that's when I was able to be on the phone
16 and actually start receiving accounts to
17 work for myself.

18 Q. Mr. Sarang, how much did you
19 make off Plaintiff Rahul Manchanda's
20 account as a commission bonus?

21 A. It could've been nothing, I
22 could've not even commissioned that
23 month. There was months that I
24 commissioned and there were months that
25 we didn't commission. So, you wouldn't

1 M. SARANG

2 be paid off of one specific account
3 anyways, regardless.

4 Q. How much would you state your
5 average commission or bonus per week or
6 per month was at ECMC?

7 A. Average commission per month,
8 between -- two thousand to four thousand.

9 Q. And that you said is in
10 addition to monthly salary of three to
11 four thousand you said earlier?

12 A. Yeah, correct.

13 Q. And your salary you said never
14 changed in your four years of employment?

15 A. Correct.

16 Q. And neither did your job title
17 change?

18 A. Correct.

19 MR. BAUM: Asked and answered.

20 Q. So, you're saying
21 approximately seven to eight thousand per
22 month, you would walk away with?

23 A. It depends on the month.
24 There could've been months where I didn't
25 commission. There could've been months

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M. SARANG

where I didn't walk away with a
commission check because I didn't get to
my goal because I didn't perform that
month --

Q. ECMC obviously dangled, you
know, commissions and bonuses in order to
get you to get people to sign up for your
contracts, rehabilitation contracts?

A. Say that again.

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page to include signature line and
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M. SARANG

MR. BAUM: He's already
answered the question.

MR. MANCHANDA: Okay.

MR. BAUM: There's no
question.

MR. MANCHANDA: Withdrawn.
All right. I have no further
question, Mr. Sarang. Thank you for
your time today.

MR. BAUM: Thank you, Mithun.

MS. TRETIAKOVA: So the
deposition is complete for today.
Thank you.

(Whereupon, the proceedings
were concluded at 4:45 p.m.)

MITHUN SARANG

Subscribed and sworn to before me this
_____ day of _____, 2021.

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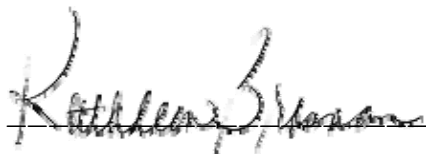
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C E R T I F I C A T E

I, Kathleen Brosnan, an independent typist within and for the State of New York, do hereby certify that I listened to the audio recording that is the source of the foregoing transcription and, to the best of my ability, this is an accurate transcription of the proceedings contained therein.

I further certify that I am not related to any of the parties to this proceeding by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have authorized Deitz Court Reporting to set my hand hereunto this 24th day of March, 2021.


KATHLEEN BROSAN

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